

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office SEP 20 1994

Returned to applicant for correction.....

Corrected application filed..... Map filed SEP 20 1994

The applicant Garrett Van Diest, Inc.

P.O. Box 867 of Winnemucca
Street and No. or P.O. Box No. City or Town

Nevada 89445 hereby make S. application for permission to change the
State and Zip Code No.

point of diversion and the place of use of a portion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under amended Permit No. 58231
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is underground
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 1838 c.f.s.
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for irrigation purposes
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for irrigation purposes
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T.36N.,
Describe as being within a 40-acre subdivision of public survey and by course and

R.38E., M.D.B. & M. or at a point from which the E $\frac{1}{2}$ corner of said Section 28
distance to a section corner. If on unsurveyed land, it should be stated.

bears S 40°11' E a distance of 925 feet.

6. The existing permitted point of diversion is located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, T.33N., R.38E.,
If point of diversion is not changed, do not answer.

M.D.B. & M. or at a point from which the NE corner of said Section 5 bears

N 42°56' E a distance of 165 feet.

7. Proposed place of use 20 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T.36N., R.38E.,
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

M.D.B. & M.

8. Existing place of use the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5, T.33N., R.38E., M.D.B. & M.
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

(20 acres to be removed from the N $\frac{1}{2}$ SE $\frac{1}{4}$) 171.69 acres remaining
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and

specifications of your diversion or storage works.) Drill well, install pump, pipeline to
State manner in which water is to be diverted, i.e. diversion structure,

irrigation system
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works in excess of \$10,000

13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use..... 5 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Compared.....jk/sm cl/cms

Desert Mountain Surveying as agent
By John H. Milton III, PLS, SWRS
s/John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Protested.....

APPROVAL
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of an underground source as heretofore granted under Permit 58231 is issued subject to the terms and conditions imposed in said Permit 58231 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.1838cubic feet per second, but not to exceed 80.0 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before..... September 3, 1997

Proof of completion of work shall be filed before..... October 3, 1997

Application of water to beneficial use shall be made on or before..... September 3, 1998

Proof of the application of water to beneficial use shall be filed on or before..... October 3, 1998

Map in support of proof of beneficial use shall be filed on or before..... October 3, 1998

Completion of work filed..... JUL 17 2001

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this..... 31stday of..... July.....

A.D. 19..... 96.....

[Signature]
State Engineer